

EXHIBIT D

Case 1:21-cv-01117-MN-CJB Document 47-4 Filed 08/02/22 Page 2 of 6 PageID #: 950

From: Schoedel, Lisa M. <LSchoedel@jenner.com> on behalf of Schoedel, Lisa M. <LSchoedel@jenner.com>
Sent: Tuesday, March 15, 2022 4:09 PM
To: John Downing <JDowning@kasowitz.com>; Nelson, David A. <DNelson@jenner.com>; Nekita A. Washington <NWashington@kasowitz.com>
Cc: WSOU v. NetGear (KASOWITZ) <WSOUvNetGear@kasowitz.com>; Jim Lennon <jlennon@devlinlawfirm.com>; DLF-Lit Paras <dlflitparas@devlinlawfirm.com>; Peter Mazur <PMazur@devlinlawfirm.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Ying, Jennifer <jying@morrisnichols.com>; Aly, Amr O. <AAly@jenner.com>; Esat, Yusuf <YESat@jenner.com>; Denti, Mitchell L. <MDenti@jenner.com>
Bcc: acooper@kasowitz.com; bguignard@kasowitz.com; cjia@kasowitz.com; cnaggar@kasowitz.com; djones@kasowitz.com; dsaxon@kasowitz.com; hbressler@kasowitz.com; hkim@kasowitz.com; hstern@kasowitz.com; jguhaniyogi@kasowitz.com; jwaldrop@kasowitz.com; jwhitehill@kasowitz.com; ldarteville@kasowitz.com; mbarber@kasowitz.com; mhulbert@kasowitz.com; ndorman@kasowitz.com; pmiller@kasowitz.com; pwilliams@kasowitz.com; sivan@kasowitz.com; srattigan@kasowitz.com; tnguyen@kasowitz.com
Subject: RE: WSOU Investments, LLC v. Netgear, Inc., 21-cv-1117, -1119, -1120 (D. Del.)

John,

We are happy to hear that your building's fire alarm was a false alarm and everyone is ok.

I can confirm the Bates ranges you listed below, which includes the files listed on WSOU's spreadsheet. Most of these documents were collected from NETGEAR's technical support webpage: <https://www.netgear.com/support/download/>. For example, the first document on WSOU's spreadsheet is CAX80-V2.1.1.4.bin. If you go to NETGEAR's product support webpage and type CAX80 into the search box, you will see a list of documentation and a list of Firmware/Software for this product. If you then click on "Firmware Version [2.1.1.4](#) Release Notes," you will see a download link. If you click on that link, you will receive a folder that includes the file CAX80-V2.1.1.4.bin. This is the same file that NETGEAR produced with BATES number NET0000426.

When this document was produced in native format on February 10, 2022, it was produced with the following metadata:

- Custodian: Public
- Title: CAX80-V2.1.1.4.bin
- Path: \7512096 Patent\CAX80-V2.1.1.4.zip

This information identifies the relevant patent and product, provides the file type, and explains that the file is a publicly available document. The next file produced, NET0000427, provides the Release Notes for CAX80-V.1.1.4, which provides the webpage link above and informs the reader to refer to the user manual to update your product's firmware. The user manual for the CAX80 was produced at NET0000444. Chapter 6 of this manual has a section titled "Update the router firmware." This section explains that "[t]he modem router firmware (routing software) is stored in flash memory" and then explains how to upload the firmware to the router. This is the firmware that was produced in native format at NET000426.

Not all of the files in WSOU's spreadsheet include the product name, but the pathname metadata identifies how the files were downloaded from <https://www.netgear.com/support/download/>. For example, NET0000956 has the title "mbn_sw.dig" and the pathname \7512096

Patent\LBR20_A05_to_A06_LTE_upgrade_package(US).zip\system\firmware\image\modem_pr\mcfg\configs\mcfg_sw." If you go to NETGEAR's product support webpage and type/select LBR20 and then select LTE Upgrade/Downgrade Package (Retail – US Only), you will see a download link for Upgrade package A05->A06 and upgrade instructions for LTE upgrade. If you select that link, you will download a zip file with the folder name of "LBR20_A05_to_A06_LTE_upgrade_package(US)." Within that folder, you will see four subfolders, one of which is labeled "system." If you open that folder, you will see the subfolder "firmware," and so on until you reach the file mbn_sw.dig, which was produced as NET0000956. Once again, this firmware was produced as a native file.

Additional documents relevant to the LBR20 that were downloaded from NETGEAR's product support webpage can be found at NET0000941-2148, 4358-4518 and the pathnames will guide you regarding where to find the files on NETGEAR's product support webpage. Chapter 8 of the LBR20 user manual (NET00004360) has a section titled "Update the firmware on the router" and chapter 11 has a section titled "Manually update satellite firmware."

We hope with this explanation, WSOU can understand why the files listed in WSOU's spreadsheet were produced as core technical documents in native format.

For documents having BATES numbers after NET00017581, approximately 500 documents include the product name in the pathname metadata and WSOU would have to compare the product name to its list of asserted products to identify which patent is relevant. For example, there are two files that include LBR20 in the pathname (NET0021631-2). The remaining approximately 300 documents do not have pathname metadata and are relevant at least to the 24 products WSOU identified in its discovery requests served on November 29, 2021.

Regards,
Lisa

From: John Downing <JDowning@kasowitz.com>

Sent: Tuesday, March 15, 2022 12:32 AM

To: Schoedel, Lisa M. <LSchoedel@jenner.com>; Nelson, David A. <DNelson@jenner.com>; Nekita A. Washington <NWashington@kasowitz.com>

Cc: WSOU v. NetGear (KASOWITZ) <WSOUvNetGear@kasowitz.com>; Jim Lennon <jlennon@devlinlawfirm.com>; DLF-Lit Paras <dlflitparas@devlinlawfirm.com>; Peter Mazur <PMazur@devlinlawfirm.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Ying, Jennifer <jying@morrisnichols.com>; Aly, Amr O. <AAly@jenner.com>; Esat, Yusuf <YEsat@jenner.com>; Denti, Mitchell L. <MDenti@jenner.com>

Subject: RE: WSOU Investments, LLC v. Netgear, Inc., 21-cv-1117, -1119, -1120 (D. Del.)

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Counsel,

Apologies for the having to postpone the meet and confer. As you may have heard, the building fire alarm triggered and there was no planned fire alarm scheduled for today. Before I had to leave the call, I mentioned some questions regarding the core technical document production and Netgear was open to reviewing the questions.

- What core documents were produced as part of the core technical documents for each patent?

Based on the call, I understand that the following Bates ranges relate to each patent. Please let us know if this is accurate.

Netgear 1-7787 - 096 Patent

Netgear 7788-15538 – 630 Patent

Netgear 15539-17581 - 171 patent

- In what context were the core technical documents produced for each patent? Was Netgear able to open or view the files, and if so, what application was used? Are certain files meant to be placed together to work as a group under an application, or are they all individual files?

Regarding the second set of questions, we indicated that some of the core technical documents appear to be corrupt upon our inspection. We received clarification indicating that the files were intended to be produced in native format in a subsequent production. To this end, it would be helpful to confirm from Netgear that it is capable of viewing the files and how.

Regards,

John

From: Schoedel, Lisa M. [<mailto:LSchoedel@jenner.com>]

Sent: Thursday, February 10, 2022 2:46 PM

Case 1:21-cv-01117-MN-EJB Document 47-4 Filed 06/02/22 Page 4 of 6 PageID #: 952
To: John Downing <JDowning@kasowitz.com>; Nelson, David A. <DNelson@jenner.com>; Nekita A. Washington <NWashington@kasowitz.com>

Cc: WSOU v. NetGear (KASOWITZ) <WSOUvNetGear@kasowitz.com>; Jim Lennon <jlennon@devlinlawfirm.com>; DLF-Lit Paras <dlflitparas@devlinlawfirm.com>; Peter Mazur <PMazur@devlinlawfirm.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Ying, Jennifer <jying@morrisnichols.com>; Aly, Amr O. <AAly@jenner.com>; Esat, Yusuf <YEsat@jenner.com>; Denti, Mitchell L. <MDenti@jenner.com>

Subject: RE: WSOU Investments, LLC v. Netgear, Inc., 21-cv-1117, -1119, -1120 (D. Del.)

John,

Thank you for the clarification. We will investigate and send you native file overlays for the other documents that were produced with placeholders that say "UNABLE TO CONVERT."

Regards,
Lisa

From: John Downing <JDowning@kasowitz.com>

Sent: Thursday, February 10, 2022 3:57 PM

To: Nelson, David A. <DNelson@jenner.com>; Nekita A. Washington <NWashington@kasowitz.com>

Cc: WSOU v. NetGear (KASOWITZ) <WSOUvNetGear@kasowitz.com>; Jim Lennon <jlennon@devlinlawfirm.com>; DLF-Lit Paras <dlflitparas@devlinlawfirm.com>; Peter Mazur <PMazur@devlinlawfirm.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Ying, Jennifer <jying@morrisnichols.com>; Aly, Amr O. <AAly@jenner.com>; Schoedel, Lisa M. <LSchoedel@jenner.com>; Esat, Yusuf <YEsat@jenner.com>; Denti, Mitchell L. <MDenti@jenner.com>

Subject: RE: WSOU Investments, LLC v. Netgear, Inc., 21-cv-1117, -1119, -1120 (D. Del.)

External Email – Exercise Caution

David,

To clarify, the we understand that the issue identified below is widespread and applies to a significant number of the production. Are you planning on investigating and fixing the issue. Please let us know by COB today.

Thanks,

John

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From: Nelson, David A. [<mailto:DNelson@jenner.com>]

Sent: Thursday, February 10, 2022 12:17 PM

To: Nekita A. Washington <NWashington@kasowitz.com>

Cc: WSOU v. NetGear (KASOWITZ) <WSOUvNetGear@kasowitz.com>; Jim Lennon <jlennon@devlinlawfirm.com>; DLF-Lit Paras <dlflitparas@devlinlawfirm.com>; Peter Mazur <PMazur@devlinlawfirm.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Ying, Jennifer <jying@morrisnichols.com>; Aly, Amr O. <AAly@jenner.com>; Schoedel, Lisa M. <LSchoedel@jenner.com>; Esat, Yusuf <YEsat@jenner.com>; Denti, Mitchell L. <MDenti@jenner.com>

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WSOU Investments, LLC v. Netgear, Inc., 21-cv-1117, -1119, -1120 (D. Del.)

Nekita:

I will be forwarding to you an overlay production containing the eight native files requested below. The transmission will come from our KiteWorks file transfer site.

Once downloaded, the password to access the encrypted .zip file is

z9-@_M_Ad5p5p7Lq

From: Nekita A. Washington <NWashington@kasowitz.com>

Sent: Tuesday, February 8, 2022 6:04 PM

To: Aly, Amr O. <AAly@jenner.com>; Schoedel, Lisa M. <LSchoedel@jenner.com>; Blumenfeld, Jack <JBlumenfeld@morrisnichols.com>; Denti, Mitchell L. <MDenti@jenner.com>; Nelson, David A. <DNelson@jenner.com>; Ying, Jennifer <jying@morrisnichols.com>; Esat, Yusuf <YEsat@jenner.com>

Cc: WSOU v. NetGear (KASOWITZ) <WSOUvNetGear@kasowitz.com>; Jim Lennon <jlennon@devlinlawfirm.com>; DLF-Lit Paras <dlflitparas@devlinlawfirm.com>; Peter Mazur <PMazur@devlinlawfirm.com>

Subject: WSOU Investments, LLC v. Netgear, Inc., 21-cv-1117, -1119, -1120 (D. Del.)

External Email – Exercise Caution

Counsel,

In reviewing Netgear's document productions we have discovered several files that appear to be either system files or corrupt files. These files were produced with placeholders that say "UNABLE TO CONVERT." These files were also not accompanied by native files.

Please see a few bates numbers listed below for examples and a screenshot of the placeholder for reference, but the issue appears widespread.

NET0000426

NET0000428

NET0000430

NET0001024

NET0001025

NET0001026

NET0001027

NET0001335

UNABLE TO CONVERT

NET0000426

Please provide a corrected production without delay.

Regards,
Nekita

Nekita A. Washington
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David A. Nelson

Senior Paralegal

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